

REMARKS

Claims 10, 12, 14, 16 and 19 have been objected to due to informalities. The claims have been amended.

Claims 10 and 12-15 have been rejected under 35 USC 102(a) as anticipated by Soumiya. The rejection is respectfully traversed for the same reasons presented in the previous response, and for the following reasons.

The Examiner comments that Soumiya indeed discloses the “effective bandwidth,” contrary to his earlier assertion, since this definition is “never defined in the claims or the specification” and therefore “any reasonable definition for the term” may be used. Given this construction, the Examiner concludes that effective bandwidth and estimated bandwidth are equivalent. Applicant’s respectfully disagree with the Examiner.

As stated before, the specification clearly defines the term effective bandwidth, as described in Equation (1). As the Examiner is aware, Applicant’s are free to be their own lexicographer in an application. As Applicant’s have clearly defined the term, the Examiner must interpret it in this favor.

Claims 11 and 16-19 have been rejected under 35 USC 103(a) as unpatentable over Soumiya in view of various combinations of Ben-Nun and Applicant’s Admitted Prior Art. These rejections are also respectfully traversed.

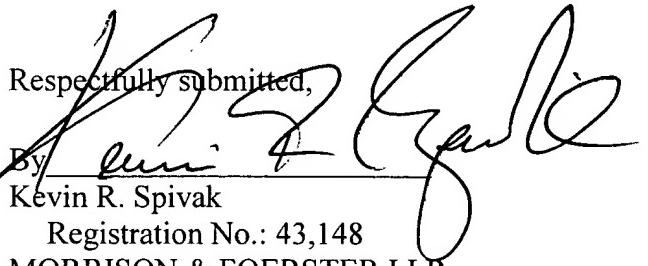
We kindly refer the Examiner to the arguments in the previously filed response, and to the arguments presented herein-above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122037100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 5, 2004

Respectfully submitted,

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